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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

| | | |
|---|---|------------------------------|
| JENNIFER LEE CUMPTON, |) | |
| |) | NO. CV-07-156-RHW |
| Plaintiff, |) | |
| |) | COMPLAINT FOR DAMAGES |
| v. |) | AND DEMAND FOR JURY |
| |) | TRIAL |
| CITY OF EAST WENATCHEE, |) | |
| COUNTY OF CHELAN, and D.W.) |) | |
| SCHREIBER, in his Individual and) |) | |
| Representative Capacities, |) | |
| |) | |
| Defendants. |) | |

INTRODUCTION

The Plaintiff is a single-mother who on November 28, 2005, reported to Spokane Police a burglary of her home. The police noted that there was a facially valid arrest warrant out of Chelan County for Ms. Compton and after taking her report regarding the burglary, placed her under arrest and booked her into the Spokane County Jail. After three days, it was determined that the warrant, though facially valid, wrongly identified Ms. Cumpton, who was then

1 released on November 30, 2005. The affiant who had originally obtained the
2 warrant failed to properly identify the suspect in a Columbia River Drug Task
3 Force investigation and entered data incorrectly identifying Ms. Cumpton into
4 the affidavit.
5

6 I. PARTIES

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8 1.1 Plaintiff is a natural person residing in Spokane County, Washington.

9 1.2 Defendant City of East Wenatchee is a municipality in the State of
10 Washington and is believed to have been the employer of Defendant D.W.
11 Schreiber at the time of the incidents complained of below.

12
13 1.3 Defendant County of Chelan is a municipality in the State of Washington
14 and is believed to have been at the time of the complained actions a
15 member of the Columbia River Drug Task Force.

16 1.4 Defendant D.W. Schreiber is believed to have been a resident of the
17 County of Douglas, Washington, at all times material to this litigation and
18 was a commissioned or deputized City employee acting in the employ of
19 Defendant City of East Wenatchee with responsibilities for investigating
20 drug crimes pursuant to his appointment or loan to the Columbia River
21 Drug Task Force.
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II. JURISDICTION AND VENUE

2.1 All acts complained of occurred in the Eastern District of Washington.

2.2 Venue is proper in the United States District Court for the Eastern District of Washington.

2.3 Jurisdiction is proper in the United States District Court pursuant to Title 42, United States Code § 1988; Title 28 USC § 1331; and 28 USC § 1343(a)(3).

2.4 This court has personal and subject matter jurisdiction.

2.5 An administrative claim pursuant to RCW 36.45 and RCW 4.96.020 was presented to Defendants City of East Wenatchee and County of Chelan on or about March 6, 2007. Defendants have failed to respond to this Notice of Claim.

III. FACTS

3.1 During the later half of 2004 and the early winter of 2005, Defendant Schreiber, acting under the authority of the Columbia River Drug Task Force, was conducting a narcotics investigation involving several individuals allegedly selling methamphetamine in the Wenatchee area. Defendant Schreiber over the course of at least three months supervised illegal drug transactions between a confidential informant and a suspect named "Jennifer." During this time, Defendant Schreiber was working to

1 develop a body of evidence to prove the suspects' involvement in illegal
2 activity. This body of evidence included a videotape and at least one still
3 photo of "Jennifer."
4

5 3.2 On or about January 11, 2005, Defendant Schreiber filed a probable cause
6 affidavit and arrest warrants were issued for the arrest of Jennifer L.
7 Cumpton with personal identifiers that match those of the Plaintiff but that
8 did not match the suspect in the drug trafficking investigation.
9

10 3.3 During the early evening hours of November 28, 2005, Plaintiff Jennifer
11 L. Cumpton, a single mother with minor children, contacted the Spokane
12 Police Department to report a burglary of her Spokane home. Two
13 Spokane Police Department cruisers subsequently arrived at the Plaintiff's
14 home. The Spokane Police officers conducted a sweep of the home and
15 then informed Ms. Cumpton that they needed to arrest her for outstanding
16 arrest warrants from Chelan and Douglas Counties for many counts of
17 unlawful delivery of methamphetamine. Plaintiff was subsequently
18 arrested by law enforcement and taken to Spokane County Jail where she
19 was held for three days.
20

21 3.4 Plaintiff repeatedly provided officers with information to put them on
22 notice that she was not the person they sought and that some mistake had
23 been made. Plaintiff was held by Spokane County until Columbia River
24

1 Drug Task Force personnel confirmed that Ms. Jennifer Lee Cumpton was
2 not the individual that they sought.
3

4 3.5 As a result of the wrongful detention, Plaintiff was deprived of her liberty
5 interests as guaranteed under the Fourteenth Amendment and 42 United
6 States Code Section 1983.
7

8 3.6 The actions taken by Defendants involved reckless and callous
9 indifference to the federally protected rights of Plaintiff Cumpton.

10 3.7 The actions taken by Defendants involved negligence toward the federally
11 protected rights of Plaintiff Cumpton.
12

13 3.8 As a direct and proximate cause of her wrongful arrest and incarceration,
14 the Plaintiff has suffered damages.

15 **IV. FEDERAL CLAIMS FOR RELIEF**

16 **Violations of Title 42, United States Code § 1983**

17 4.1 As set forth in Paragraphs 3.1 through 3.8, above, Defendants' conduct
18 constitutes deprivation of federally protected rights under color of law,
19 i.e., deliberate indifference to Plaintiff's liberty interest and her rights
20 under the Fourth, Fifth and Fourteenth Amendments. As a result of this
21 conduct, Defendants caused Plaintiff to experience a deprivation of her
22 constitutionally guaranteed liberty interest.
23
24

V. STATE CLAIMS FOR RELIEF

Negligence

5.1 As set forth in Paragraphs 3.1 through 3.8, above, Defendants' conduct constitutes negligence under the laws of the State of Washington.

VI. PRAYER FOR RELIEF

Plaintiff respectfully demands a jury trial on all issues and further that Plaintiff be awarded:

6.1 Economic and non-economic damages in an amount not less than \$147,000.00 (one hundred forty-seven thousand dollars), in addition to exemplary or punitive damages as allowed by law;

6.2 Punitive damages to be determined by the jury;

6.3 Plaintiff's reasonable attorneys fees and costs, pursuant to 42 USC § 1988, or as otherwise provided by law; and,

6.4 For such other and further relief as the court deems just and equitable.

DATED this 15th day of May, 2007.

s/Jeffry K. Finer, WSBA No. 14610
Attorney for Plaintiff